



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

48 BAIL APPLICATION NO. 343 OF 2024

Sipa Nanji Padvi

..APPLICANT

-VERSUS-

The State of Maharashtra

..RESPONDENT

Advocate for Applicant : Mr. Jain Gajendra Devichand

APP for Respondent/State : Mrs.Pratibha J. Bharad

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 4th MARCH, 2024.

PER COURT :-

1. The applicant is seeking bail under section 439 of the Criminal Procedure Code, 1973 (for short, "Cr.P.C."). The applicant has been arrested in connection with crime No.0142 of 2023 registered with Police Station, Molgi, Dist. Nandurbar, for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

2. It is averred in the report that the brother of the informant Narpatsingh was residing with his wife 30 meters away from his house. Co-accused Jebabai is his wife and they have begotten three children. It is further averred that on 31.08.2023, in the morning while co-accused Jebabai went to the Police Station, Molgi and informed that her husband is eliminated by someone, the Police went to the

spot and found that Narpatsingh is no more. Informant noticed that on 29.08.2023 and 30.08.2023 he heard quarrel between Narpatsingh and co-accused Jebabai. It was on account of illicit relationship between the applicant and Jebabai. That time, Jebabai was threatening to kill him. Quarrel is frequently took place on this count. For two times, Jebabai fled away with this applicant. Thereafter, the report was lodged.

3. The learned advocate for the applicant submits that the applicant is falsely implicated in the crime. He has roots in the society. He will not flee away from the trial. Trial would take long period. There is prima facie no material against the applicant. It is lastly prayed to allow the application.

4. The learned APP strongly opposed the application and submits that the applicant is involved in serious crime for the offence punishable under section 302 of the Indian Penal Code. The applicant was having illicit relationship with the wife of deceased Narpatsingh, therefore, both of them have eliminated him. Blood stained clothes and an axe were seized at the instance of the co-accused Jebabai. Considering the serious nature of the crime, it is lastly prayed to reject the application.

5. Perused the charge-sheet, particularly the report and statements of the witnesses. Report shows that there were illicit relationship between the applicant and co-accused Jebabai. However, the co-accused Jebabai is liable to explain the circumstances against her as per section 106 of the Indian Evidence Act as to how the murder of his husband took place in the house. The applicant has roots in the society. He will not flee away from the trial. Trial would take long period. The applicant has no criminal antecedents. His custody is not necessary for any other purpose. Considering all these reasons, the application deserves to be allowed on certain stringent conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No.0142 of 2023 registered with Police Station, Molgi, Dist. Nandurbar, for the offences punishable under Sections 302 and 34 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - b) The applicant shall not enter into village Danelcha Survanipada, Tq.Akkalkuwa, Dist. Nandurbar till the conclusion of the trial.

III. If any application is moved for cancellation of bail for breach of any of the above conditions before the trial Court, the trial Court is at liberty to decide it, without reference to this Court.

(SANJAY A. DESHMUKH, J.)

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